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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,956	06/15/2001	Robert Petersen	34646-00462USPT	9149
27045	7590	06/03/2004	EXAMINER	
			NGUYEN, JOSEPH D	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/882,956	PETERSEN, ROBERT	
	Examiner	Art Unit	
	Joseph D Nguyen	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 March 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 and 8-15 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3 and 8-15 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 15 June 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 8-12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Chuah et al. (6,594,240).

Regarding claim 1, Chuah et al. discloses a Universal Mobile Telephony System (UMTS) (abstract, fig. 1), comprising:

- a) a radio network controller (#10 fig. 1) in communication with a core network (#24 fig. 1); and
- b) a Node B (#6 fig. 1) (base station) coupled to said radio network controller (#10 fig. 1), said Node B including means for controlling a plurality of its Node B internal resources (access channel bandwidth) for admission control (access control) (abstract, fig. 1, col. 1 line 66 thru col. 2 line 65, col. 3 lines 13-32, and col. 7 line 25 thru col. 8 line 12).

Regarding claim 2, Chuah et al. further discloses the UMTS of claim 1, wherein said radio network controller includes means for informing Node B about a priority of a connection to be established in association with said admission control (abstract, fig. 1, 5, 11, col. 6 line 55 thru col. 9 line 33), and wherein the means for controlling Node B internal resources controls the Node B internal resources in accordance with said priority (abstract, fig. 1, 5, 11, col. 6 line 55 thru col. 9 line 33).

Regarding claim 3, Chuah et al. further discloses the UMTS of claim 1, wherein said radio network controller includes means for informing Node B about at least one capacity reservation to be applied for a cell configuration (#1441 fig. 14B, col. 3 lines 51 thru col. 4 line 57, col. 7 lines 45 thru col. 8 line 12, and col. 15 line 18 thru col. 16 line 53), and wherein the means for controlling Node B internal resources controls the Node B internal resources in accordance with said at least one capacity reservation (#1441 fig. 14B, col. 3 lines 51 thru col. 4 line 57, col. 7 lines 45 thru col. 8 line 12, and col. 15 line 18 thru col. 16 line 53).

Regarding claim 8, Chuah et al. further discloses the UMTS of claim 1, wherein said radio network controller comprises a controlling radio network controller that controls the Node B to meet general network requirements (#10 fig. 1, col. 1 line 66 thru col. 2 line 29), but does not control Node B internal resources for admission control.

Regarding claim 14, Chuah et al. further discloses the UMTS of claim 8, wherein the Node B includes means for adding (col. 16 lines 8-22) or subtracting resources independently of the controlling radio network controller, wherein when the resources of

the Node B are changed, the Node B does not send a resource status indication to the controlling radio network controller (col. 16 lines 8-53).

Regarding claim 9, Chuah et al. teaches a 3rd generation mobile communications system (abstract, fig. 1), comprising:

- a) a controlling radio network controller (#10 fig. 1); and
- b) a Node B coupled to the controlling radio network controller (#6 and #10, fig. 1), said Node B including means for controlling a plurality of its Node B internal resources for admission control (access control) in accordance with parameters given in a message from said controlling radio network controller to said Node B (abstract, fig. 1, col. 1 line 66 thru col. 2 line 65, col. 3 lines 13-32, and col. 7 line 25 thru col. 8 line 12).

Regarding claim 10, Chuah et al. further discloses the 3rd generation mobile communications system according to claim 9, wherein said parameters include parameters relating to priority of a connection to be established in association with said admission control (abstract, fig. 1, 5, 11, col. 6 line 55 thru col. 9 line 33).

Regarding claim 11, Chuah et al. further discloses the 3rd generation mobile communications system according to claim 9, wherein said parameters include parameters relating to a capacity reservation to be applied for a cell configuration (col. 3 lines 51-65, col. 4 lines 39-57, and col. 15 line 18 thru col. 16 line 53)

Regarding claim 12, Chuah et al. further discloses the 3rd generation mobile communications system according to claim 9, wherein said system comprises a Universal Mobile Telephony System (abstract, fig. 1, col. 7 lines 25-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuah et al. (6,594,240) in view of Longoni et al. (6,631,125).

Regarding claim 13, Chuah et al. further discloses the UMTS of claim 8, wherein the controlling radio network controller. However, Chuah et al. does not specifically disclose the controlling radio network controller includes means for initiating an audit request with the Node B, and the Node B includes means for sending an audit response to the controlling radio network controller, said audit response providing information regarding cells present in the Node B, but does not provide information regarding Node B internal resource capability.

Longoni et al. teaches the controlling radio network controller includes means for initiating an audit request with the Node B, and the Node B includes means for sending an audit response to the controlling radio network controller, said audit response

providing information regarding cells present in the Node B, but does not provide information regarding Node B internal resource capability (col. 5 lines 34-51, and col. 7 lines 27-52). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Chuah et al. system with the teaching of Longoni et al. of auditing and responding the capacity in order to allocate the resource without any disturbance when setting up the new channel requests.

Regarding claim 15, Chuah et al. further discloses he UMTS of claim 8, wherein the controlling radio network controller control Node B set up radio link in accordance with parameter provided by the controlling radio network controller (abstract, fig. 1-6, col. 1 line 66 thru col. 2 line 65, and col. 7 lines 25 thru col. 37). However, Chuah et al. does not specifically disclose the controlling radio network controller includes means for instructing the Node B to set up or reconfigure a radio link, and the Node B includes means for setting up or reconfiguring the radio link, wherein when the radio link network controller indicating that the link is set up or configured, but does not send a resource status indication to the controlling radio network controller.

Longoni et al. teaches disclose the controlling radio network controller includes means for instructing the Node B to set up or reconfigure a radio link, and the Node B includes means for setting up or reconfiguring the radio link, wherein when the radio link network controller indicating that the link is set up or configured, but does not send a resource status indication to the controlling radio network controller (abstract, fig. 1, 3, and 5, col. 3 line 44 thru col. 5 line 51, and col. 7 line 27 thru col. 8 line 64). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was

made to modify the Chuah et al. system with the teaching of Longoni et al. of the controlling radio network controller includes means for instructing the Node B to set up or reconfigure a radio link, and the Node B includes means for setting up or reconfiguring the radio link, wherein when the radio link network controller indicating that the link is set up or configured, but does not send a resource status indication to the controlling radio network controller in order to accommodate the new channels and there can be no chance of existing channel interference.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3, and 8-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label
“PROPOSED” OR “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA. Sixth floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen



May. 21, 2004



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600